

# HOUSE BILL 1372

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 22, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 27, 2012

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Commercial Fishing Licenses, Authorizations, and**  
3 **Permits**

4 FOR the purpose of requiring that certain appropriations for fishery management  
5 purposes be allocated in a certain manner between the recreational and  
6 commercial fisheries; authorizing the Department of Natural Resources to  
7 assess certain costs on certain commercial fishing licensees; applying to all  
8 applicants a requirement that certain applicants for a commercial fishing guide  
9 license provide certain information related to a federal license as part of a  
10 license application; authorizing rather than requiring the Department to set  
11 certain targets for the number of certain tidal fish license authorizations;  
12 repealing a provision of law limiting the number of participants in the  
13 commercial and charter boat fishery; establishing a certain application fee for  
14 the transfer of a commercial fishing license or authorization; adding certain  
15 relatives to the list of family members eligible for a certain license transfer;  
16 expanding the pool of persons eligible to be named the beneficiary of a license or  
17 authorization on the death of a licensee; altering the transfer procedures for a  
18 license or authorization following the death of a licensee; establishing that the  
19 license of a deceased licensee is void under certain circumstances; prohibiting a  
20 person from operating under the license of a deceased licensee without certain  
21 approval; altering the period of time for which the Department may approve the  
22 temporary transfer of a license or authorization; limiting the number of times a  
23 license or authorization may be temporarily transferred per license year;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 establishing that certain prohibited acts that result from certain suspensions of  
 2 a license of a temporary transferee also result from certain revocations of a  
 3 license of a temporary transferee; repealing a provision of law that prohibits a  
 4 person from temporarily transferring a license for remuneration; ~~repealing~~  
 5 ~~provisions of law that authorize another~~ altering the requirements and  
 6 procedures for the authorization of a person to use a certain vessel and license  
 7 of a licensee to perform certain commercial fishing activities under certain  
 8 circumstances; altering the eligibility requirements and procedures for the  
 9 permanent transfer of a license or authorization; altering a certain provision of  
 10 law governing the relinquishment of a certain license or certain authorizations  
 11 in exchange for a certain other license or certain authorizations; requiring a  
 12 licensee to pay to the Department a certain amount for the difference between  
 13 certain fees; altering the documentation that a person engaged in a commercial  
 14 fishing activity is required to possess and make available for inspection;  
 15 providing for and clarifying the distribution and use of certain fisheries fees and  
 16 surcharges collected by the Department; authorizing a person to transfer a  
 17 certain crab authorization to apply to a separate tidal fish license; requiring the  
 18 Department to review certain laws and policies in collaboration with certain  
 19 entities and report its findings and recommendations to the Governor and the  
 20 General Assembly on or before a certain date; requiring the Department to  
 21 determine the allocation of certain revenues in accordance with the revenues  
 22 derived from the respective commercial and recreational fisheries; requiring the  
 23 publishers of the Annotated Code of Maryland to correct certain  
 24 cross-references and terminology; defining a certain term; clarifying certain  
 25 language; and generally relating to commercial fishing licenses, authorizations,  
 26 and permits.

27 BY renumbering

28 Article – Natural Resources  
 29 Section 4–101(l), (m), (n), (o), (p), (q), and (r), respectively,  
 30 to be Section 4–101(m), (n), (o), (p), (q), (r), and (s), respectively  
 31 Annotated Code of Maryland  
 32 (2005 Replacement Volume and 2011 Supplement)

33 BY repealing and reenacting, without amendments,

34 Article – Natural Resources  
 35 Section 4–101(a)  
 36 Annotated Code of Maryland  
 37 (2005 Replacement Volume and 2011 Supplement)

38 BY adding to

39 Article – Natural Resources  
 40 Section 4–101(l) and 4–205(m)  
 41 Annotated Code of Maryland  
 42 (2005 Replacement Volume and 2011 Supplement)

43 BY repealing and reenacting, with amendments,

1 Article – Natural Resources  
2 Section 4–701 and 4–814  
3 Annotated Code of Maryland  
4 (2005 Replacement Volume and 2011 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That Section(s) 4–101(l), (m), (n), (o), (p), (q), and (r), respectively, of  
7 Article – Natural Resources of the Annotated Code of Maryland be renumbered to be  
8 Section(s) 4–101(m), (n), (o), (p), (q), (r), and (s), respectively.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
10 read as follows:

11 **Article – Natural Resources**

12 4–101.

13 (a) In this title the following words have the meaning indicated.

14 **(L) “HAILING SYSTEM” MEANS A COMMUNICATION SYSTEM USED BY**  
15 **LICENSEES TO NOTIFY THE DEPARTMENT OF A FISHING TRIP, HARVEST, OR**  
16 **OTHER FISHING RELATED INFORMATION AS REQUIRED BY THE DEPARTMENT.**

17 4–205.

18 **(M) EXCEPT FOR ANY APPROPRIATION MADE FOR AQUACULTURE, AN**  
19 **APPROPRIATION FROM THE GENERAL FUND MADE FOR FISHERY MANAGEMENT**  
20 **PURPOSES SHALL BE ALLOCATED FAIRLY AND REASONABLY BETWEEN THE**  
21 **RECREATIONAL AND COMMERCIAL FISHERIES.**

22 4–701.

23 (a) This section applies to any person who is required under Subtitle 2, 7, 8,  
24 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process,  
25 transport, export, or otherwise deal in fish caught in tidal waters.

26 (b) (1) The Department shall utilize a single, commercial license, to be  
27 known and designated as a tidal fish license.

28 (2) A tidal fish license authorizes a licensee:

29 (i) To engage in each activity indicated on the license; and

30 (ii) For catching crabs, to utilize the number of crew members  
31 indicated on the license.

1           (3)     Except for a person receiving a license **AS A BENEFICIARY OF A**  
2 **DECEASED LICENSEE** under subsection [(i)(2)(ii)] **(J)(4)(I)** of this section, the  
3 Department may not issue a tidal fish license to an individual who is younger than 14  
4 years of age.

5           (4)     A person may not guide fishing parties or catch, sell, buy, process,  
6 transport, export, or otherwise deal in fish caught in tidal waters unless licensed  
7 under this section.

8           (c)     (1)     The license year for every tidal fish license shall be 12 months from  
9 September 1 through August 31 of the following year.

10           (2)     A licensee and crew members may engage only in those activities  
11 for which the annual fees for that license year have been paid.

12           (d)     (1)     The Department may issue no more than one authorization to a  
13 person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection  
14 during a license year.

15           (2)     (i)     On a tidal fish license, the Department may issue an  
16 authorization for any of the following activities for which the indicated fee has been  
17 paid.

18                   (ii)     The following annual fees for an authorization shall apply  
19 regardless of when the license is issued or an activity is authorized:

20                           1.     To provide services as:

21                                   A.     A fishing guide in the tidal waters of Maryland – \$50  
22 for a resident and \$100 for a nonresident; and

23                                   B.     A master fishing guide, in addition to the fee under  
24 item A of this item – \$50 per vessel

25                           2.     To catch for sale fish with equipment which is legal  
26 under this title:

27                                   A.     Finfish:

28   I.     Hook and line only, anywhere: \$37.50

29   II.    All other equipment: \$100

30                                   B.     Crabs:

31   I.     Up to 50 pots, trotlines, nets, dip nets, traps, pounds,  
32 and scrapes: \$50

1 II. Over 50 pots, plus any other gear listed in item I of  
2 this sub-sub-subparagraph: \$150

3 C. Clams – \$100

4 D. Oysters – \$250 for a dredge boat and \$50 for other  
5 than a dredge boat

6 E. Conch, turtles, and lobster – \$50

7 F. For all activities in item 1A of this subparagraph and  
8 in items A through E of this item, unlimited tidal fish – \$300

9 3. For one or two crew members employed under § 4–814  
10 of this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of  
11 this paragraph with more than 300 pots, the licensee shall pay \$20 for each crew  
12 member.

13 4. Except for a licensee dealing in his own catch, for a  
14 person to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal  
15 waters of Maryland, seafood dealer – \$150

16 5. For a person who is not licensed under this section to  
17 land fish caught in out-of-state tidal waters, seafood landing – \$150

18 (e) (1) To catch striped bass for sale:

19 (i) A licensee authorized under subsection (d)(2)(ii)2A of this  
20 section shall pay an annual surcharge of \$200; or

21 (ii) A licensee authorized under subsection (d)(2)(ii)2F of this  
22 section shall pay with the license fee an annual surcharge of \$100.

23 (2) (i) A person may not catch oysters for sale without:

24 1. Possessing a valid license under this section;

25 2. Paying an annual surcharge of \$300; and

26 3. Certifying to the Department that the person received  
27 the publications required under § 4–1006.2 of this title.

28 (ii) The Department shall use the surcharges collected under  
29 this paragraph only for oyster repletion activities.



1 be the number issued between September 1, 1998 and March 31, 1999. The  
2 Department may modify by regulation the target number of authorizations based on:

3 (i) Recommendations of the Tidal Fisheries Advisory  
4 Commission;

5 (ii) Recommendations of fishery management plans adopted by  
6 the Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries  
7 Commission, the Mid-Atlantic Fisheries Management Council, or any other  
8 appropriate management body;

9 (iii) The number of people historically participating;

10 (iv) Target species, size, number, weight, incidental catch, total  
11 biomass, annual harvest, mortality rates, and other factors which are necessary and  
12 appropriate; and

13 (v) The number of authorizations relinquished to the  
14 Department under subsection (k) of this section.

15 (3) (i) The Department shall by regulation limit the total number  
16 of **COMMERCIAL** authorizations to fish for striped bass ~~to~~ **NOT TO EXCEED** 1,231  
17 participants in the commercial fishery and 499 participants in the charter boat  
18 fishery.

19 (ii) The Department shall provide in its regulations for  
20 reallocation of any authorizations that may be revoked or voluntarily relinquished to  
21 the Department.

22 (iii) The Department shall provide in its regulations for the  
23 allocation of any available quota on a monthly basis to assure that all areas of the  
24 State have ample opportunity to attain an equitable portion of the available quota.

25 **[(h)] (I)** The Department shall issue a license authorizing participation in a  
26 particular fishing activity to a person who has completed the requirements of an  
27 apprenticeship under § 4-701.1 of this subtitle.

28 **[(i)] (J)** (1) A license or authorization may be transferred only under the  
29 provisions of this subsection.

30 **(2) A PERSON WHO DESIRES TO OBTAIN A LICENSE OR**  
31 **AUTHORIZATION BY TRANSFER UNDER THIS SUBSECTION SHALL, FOR EACH**  
32 **LICENSE OR AUTHORIZATION APPLIED FOR:**

33 **(I) PAY A \$50 APPLICATION FEE; AND**

1                   **(II) SUBMIT A COMPLETED APPLICATION TO THE**  
2 **DEPARTMENT.**

3                   **[(2)] (3)** The Department shall review and may approve the  
4 permanent transfer of a license or an authorization to a person who is the licensee's  
5 spouse, daughter, son, stepchild, grandchild, stepgrandchild, parent, sister, brother,  
6 grandparent, **AUNT, UNCLE, NIECE, NEPHEW**, father-in-law, mother-in-law,  
7 son-in-law, daughter-in-law, sister-in-law, or brother-in-law[, and only:

8                   (i) If the licensee makes application to the Department  
9 requesting transfer and the transferee has paid the fee for the license or authorization;  
10 or

11                   (ii) Upon death of the licensee, if the licensee or an authorized  
12 representative of the licensee indicates or had indicated that person's name to the  
13 Department.

14                   (3) (i) The Department may approve a temporary transfer for not  
15 less than 30 days and not more than 90 days.

16                   (ii) A person may not transfer a license in exchange for any type  
17 of remuneration.

18                   (iii) A temporary transferee who is convicted or receives an  
19 accepted plea of nolo contendere for a violation of federal or State fisheries law that  
20 results in a license suspension may not use a tidal fish license issued to the individual  
21 or receive a transfer of a tidal fish license during the period of suspension.

22                   (4) (i) The Department shall establish by regulation a procedure  
23 for a licensee, except a fishing guide licensee or a master fishing guide licensee, to  
24 voluntarily register the licensee's commercial fishing vessel number on the face of the  
25 license.

26                   (ii) If a licensee has voluntarily registered the vessel number on  
27 the license under subparagraph (i) of this paragraph, the licensee may allow another  
28 person to use the vessel for the commercial activities authorized on the license.

29                   (iii) If a licensee allows another person to utilize a vessel under  
30 subparagraph (ii) of this paragraph, for purposes of the license suspension criteria in  
31 subsection (k) of this section, the licensee shall be held responsible for any violations  
32 committed by the person using the vessel.

33                   (5) (i) This paragraph applies only to:

34                   1. A licensee who has held a valid tidal fish license in  
35 each of the three immediately preceding seasons; or

1                   2.     An authorized representative of a deceased licensee  
2 regardless of the number of seasons the deceased licensee held a valid tidal fish  
3 license.

4                   (ii)    The Department shall review and may approve a permanent  
5 transfer of a license or authorization under this paragraph to a person who has:

6                   1.     A.     Purchased a vessel used for commercial fishing  
7 from the license holder; or

8                   B.     Purchased equipment and assets with a minimum  
9 value of \$2,000 and the commercial fishing business from the license holder;

10                  2.     Been a crew member for at least 2 years in any  
11 commercial fishery as certified by three tidal fish licensees;

12                  3.     Paid the fee for the license or authorization; and

13                  4.     Provided a notarized bill of sale].

14                  **(4) (I) ON THE DEATH OF A LICENSEE, THE DEPARTMENT**  
15 **SHALL REVIEW AND MAY APPROVE THE PERMANENT TRANSFER OF A LICENSE**  
16 **OR AUTHORIZATION TO THE PERSON INDICATED ON THE BENEFICIARY FORM**  
17 **SUBMITTED BY THE DECEASED LICENSEE AT THE TIME OF ISSUANCE ON THE**  
18 **LICENSE.**

19                  **(II) THE PERSONAL REPRESENTATIVE OF THE ESTATE OF**  
20 **THE DECEASED LICENSEE MAY RETAIN THE LICENSE OR AUTHORIZATION FOR 2**  
21 **YEARS FROM THE DATE OF APPOINTMENT AS PERSONAL REPRESENTATIVE IF:**

22                  1.     **THE DECEASED LICENSEE DID NOT INDICATE A**  
23 **LICENSE BENEFICIARY;**

24                  2.     **THE DEPARTMENT DETERMINES THAT THE**  
25 **LICENSE BENEFICIARY IS NOT QUALIFIED TO RECEIVE THE LICENSE OR**  
26 **AUTHORIZATION; OR**

27                  3.     **THE LICENSE BENEFICIARY DOES NOT ACCEPT**  
28 **THE LICENSE OR AUTHORIZATION.**

29                  **(III) ON APPOINTMENT, THE PERSONAL REPRESENTATIVE**  
30 **SHALL NOTIFY THE DEPARTMENT OF THE APPOINTMENT AND THE INTENT TO**  
31 **RETAIN THE LICENSE OR AUTHORIZATION.**

1 (IV) A LICENSE OR AUTHORIZATION RETAINED UNDER THIS  
2 PARAGRAPH MAY BE RENEWED ANNUALLY AS REQUIRED BY THIS TITLE.

3 (V) BEFORE THE END OF THE 2-YEAR PERIOD, THE  
4 PERSONAL REPRESENTATIVE MAY SUBMIT A COMPLETED TRANSFER  
5 APPLICATION TO TRANSFER THE LICENSE OR AUTHORIZATION TO A QUALIFIED  
6 INDIVIDUAL.

7 (VI) IF A LICENSE OR AUTHORIZATION IS NOT TRANSFERRED  
8 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AND A TRANSFER  
9 APPLICATION IS NOT SUBMITTED UNDER SUBPARAGRAPH (II) OF THIS  
10 PARAGRAPH, THE LICENSE OR AUTHORIZATION IS VOID.

11 (VII) A PERSON MAY NOT OPERATE UNDER THE LICENSE OR  
12 AUTHORIZATION OF THE DECEASED LICENSEE WITHOUT APPROVAL OF THE  
13 APPLICATION BY THE DEPARTMENT.

14 (5) (I) ~~ONCE~~ TWICE PER LICENSE YEAR, THE DEPARTMENT  
15 MAY APPROVE A TEMPORARY TRANSFER OF A LICENSE OR AUTHORIZATION FOR  
16 NOT MORE THAN THE REMAINDER OF THE LICENSE YEAR.

17 (II) A TEMPORARY TRANSFEREE WHO IS CONVICTED OR  
18 RECEIVES AN ACCEPTED PLEA OF NOLO CONTENDERE FOR A VIOLATION OF  
19 FEDERAL OR STATE FISHERIES LAW THAT RESULTS IN A LICENSE SUSPENSION  
20 OR REVOCATION MAY NOT ENGAGE IN THAT FISHING ACTIVITY OR RECEIVE A  
21 TRANSFER OF A TIDAL FISH LICENSE DURING THE PERIOD OF SUSPENSION OR  
22 REVOCATION.

23 (6) THE DEPARTMENT MAY APPROVE THE PERMANENT  
24 TRANSFER OF A LICENSE OR AUTHORIZATION UNDER THIS SUBSECTION FROM A  
25 PERSON WHO HAS HELD A VALID TIDAL FISH LICENSE FOR AT LEAST 2 YEARS TO  
26 A PERSON WHO:

27 ~~(I) HAS WORKED AS A LICENSED CREW MEMBER OR TIDAL~~  
28 ~~FISH LICENSEE FOR AT LEAST 2 YEARS IN ANY COMMERCIAL FISHERY AS~~  
29 ~~CERTIFIED BY THREE TIDAL FISH LICENSEES OR THE RECORDS OF THE~~  
30 ~~DEPARTMENT; AND~~

31 ~~(II) PROVIDES~~ PROVIDES A NOTARIZED BILL OF SALE FOR  
32 THE LICENSE OR AUTHORIZATION BEING TRANSFERRED.

33 (7) (I) EXCEPT FOR A FISHING GUIDE LICENSEE OR A MASTER  
34 FISHING GUIDE LICENSEE, A LICENSEE MAY ALLOW ONE INDIVIDUAL TO USE

1 THE LICENSEE'S COMMERCIAL FISHING VESSEL TO ENGAGE IN ACTIVITIES  
2 AUTHORIZED UNDER THE LICENSE IF:

3 1. THE LICENSEE'S COMMERCIAL FISHING VESSEL  
4 NUMBER IS REGISTERED ON THE LICENSE; AND

5 2. THE LICENSEE HAS INDICATED THE NAME OF THE  
6 ASSIGNED INDIVIDUAL TO THE DEPARTMENT ON A FORM PROVIDED BY THE  
7 DEPARTMENT.

8 (II) A LICENSEE MAY CHANGE THE ASSIGNMENT ONCE PER  
9 LICENSE YEAR.

10 (III) IF A LICENSEE ALLOWS AN INDIVIDUAL TO UTILIZE A  
11 VESSEL UNDER THIS PARAGRAPH, THE INDIVIDUAL AND THE LICENSEE SHALL  
12 BE HELD RESPONSIBLE FOR ANY VIOLATIONS COMMITTED BY THE INDIVIDUAL  
13 USING THE VESSEL.

14 ~~[(j)]~~ (k) (1) Notwithstanding the qualification criteria for a license and  
15 authorization to engage in an activity under this section, licensees may renew any  
16 valid existing authorizations on their licenses annually.

17 (2) (i) Application to renew a tidal fish license shall be made not  
18 later than August 31, or the next business day in the instance that the Department is  
19 not open, for the following license year.

20 (ii) The Department may not accept application for renewal  
21 after that date, as stated in subparagraph (i) of this paragraph unless:

22 1. Application is made by March 31, or the next business  
23 day in the instance that the Department is not open, of the following license year;

24 2. The applicant shows good cause why application was  
25 not made by August 31 of the previous license year; and

26 3. A late fee of \$50 is paid by the applicant in addition to  
27 the license fee.

28 ~~[(k)]~~ (L) (1) ~~[At ]~~ **BEFORE SEPTEMBER 1, 2012, AT** the time of license  
29 renewal, a licensee who possesses three or more authorizations under subsection  
30 (d)(2)(ii)1 and 2A through E of this section, one of which is a crabbing authorization,  
31 may relinquish each authorization and receive an authorization under subsection  
32 (d)(2)(ii)2F of this section.‡

1           **(2) (1) ~~AT THE TIME OF LICENSE RENEWAL, A~~ A LICENSEE WHO**  
 2 **POSSESSES AN UNLIMITED TIDAL FISH LICENSE UNDER SUBSECTION**  
 3 **(D)(2)(II)2F MAY RELINQUISH THE UNLIMITED TIDAL FISH LICENSE AND**  
 4 **RECEIVE ONE OR MORE AUTHORIZATIONS UNDER SUBSECTION (D)(2)(II)1A**  
 5 **THROUGH E OF THIS SECTION.**

6           **(II) IF THE FEE FOR AN UNLIMITED TIDAL FISH LICENSE IS**  
 7 **LESS THAN THE TOTAL OF THE FEES FOR AUTHORIZATIONS RECEIVED BY A**  
 8 **LICENSEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LICENSEE**  
 9 **SHALL PAY TO THE DEPARTMENT AN AMOUNT EQUAL TO THE DIFFERENCE**  
 10 **BETWEEN THE FEE FOR THE UNLIMITED TIDAL FISH LICENSE AND THE TOTAL**  
 11 **OF THE FEES FOR THE AUTHORIZATIONS RECEIVED.**

12           ~~(2)~~ **(3)**       The Department shall adjust the number of authorizations  
 13 under subsection (d)(2)(ii) of this section to reflect the number of license conversions  
 14 under ~~paragraph (1)~~ **PARAGRAPHS (1) AND (2)** of this subsection.

15           **[(1)] (M)**       (1)     In addition to any other penalty provided in this title, the  
 16 Department may suspend or revoke a person's entitlement to engage in a particular  
 17 activity or activities under a tidal fish license.

18           (2)       During a period of suspension or revocation imposed by the  
 19 Department, the person penalized is not and shall not be authorized under any  
 20 existing, renewed, transferred, or new tidal fish license to engage in the particular  
 21 activity or activities for which the suspension is imposed.

22           (3)       The following are grounds for suspension or revocation of a tidal  
 23 fish license:

24                       (i)     Making any false statement in an application for a tidal fish  
 25 license;

26                       (ii)    A serious violation of a State or federal commercial fisheries  
 27 law that results in a conviction or an accepted plea of nolo contendere;

28                       (iii)   Failure to submit reports required by the provisions of this  
 29 title or by the Department pursuant to provisions of this title; or

30                       (iv)    Failure for a nonresident of the State to appear in court  
 31 pursuant to a citation issued by a Natural Resources police officer, or to any other  
 32 process issued by any court of Maryland, for violation of this title.

33           (4)       A penalty imposed in accordance with this subtitle shall be in  
 34 addition to any other penalty authorized under § 4-1201 of this title regarding striped  
 35 bass.

1           (5) The Department, in consultation with the Tidal Fisheries Advisory  
2 Commission and the Sport Fisheries Advisory Commission, shall adopt regulations  
3 relating to the suspension and revocation of licenses and authorizations issued under  
4 this title, including:

5                   (i) A schedule of points assigned to various offenses under this  
6 title;

7                   (ii) A schedule of the maximum number of days that a license  
8 may be suspended according to the number of points accumulated;

9                   (iii) Suspension or revocation of a license or authorization for a  
10 serious violation of a State or federal commercial fisheries law that results in an  
11 individual receiving a conviction or an accepted plea of nolo contendere;

12                   (iv) Enhanced penalties for repeated violations of this title; and

13                   (v) Enhanced penalties for violations of provisions of this title  
14 that regulate species deemed by the Department to be in need of special protection,  
15 including striped bass, crabs, oysters, and menhaden.

16           (6) (i) Before the suspension or revocation of a tidal fish license  
17 under this section, the Department shall notify the licensee in writing of the licensee's  
18 right to a hearing on request.

19                   (ii) If a licensee submits a written request for a hearing to the  
20 Department within 30 days after the date that the notice required under this  
21 paragraph is mailed, the Department shall:

22                               1. Hold a hearing after providing at least 10 days' notice  
23 to the licensee; and

24                               2. Conduct the hearing in accordance with Title 10,  
25 Subtitle 2 of the State Government Article.

26                   (iii) The Department may suspend a commercial license issued  
27 under this title without a hearing if:

28                               1. The licensee does not submit a written request for a  
29 hearing; or

30                               2. The licensee fails to appear for a scheduled hearing  
31 for which the Department provided notice.

32           [(m)] (N) (1) [A licensee or any person to whom a licensee has transferred  
33 a license under subsection (i) of this section shall have in possession the tidal fish  
34 license and any valid application to transfer the commercial tidal fish license approved

1 by the Department for a temporary transfer whenever engaged in any licensed  
2 activity.] **IF A PERSON IS ENGAGED IN AN ACTIVITY FOR WHICH A LICENSE OR**  
3 **AUTHORIZATION IS REQUIRED UNDER THIS SECTION, THE PERSON SHALL**  
4 **POSSESS:**

5 (I) ANY REQUIRED LICENSE, AUTHORIZATION, OR PERMIT;  
6 AND

7 (II) FOR A PERSON TO WHOM A LICENSE OR  
8 AUTHORIZATION HAS BEEN TEMPORARILY TRANSFERRED, DOCUMENTATION  
9 INDICATING THE DEPARTMENT'S APPROVAL OF THE TEMPORARY TRANSFER  
10 APPLICATION.

11 (2) (i) This paragraph does not limit the Department's authority to  
12 inspect books, statements, and accounts under § 4-206(b) of this title.

13 (ii) The licensee or any person to whom a licensee has  
14 transferred a license under subsection [(i)] (J) of this section shall allow any police  
15 officer, at reasonable times, including when the licensee or person is engaged in an  
16 activity that requires a license under this section, to inspect:

17 1. The license, **AUTHORIZATION, OR PERMIT;**

18 2. Any applicable application to transfer the commercial  
19 tidal fish license approved by the Department for a temporary transfer;

20 3. Commercial fishing vessels;

21 4. Vehicles used to transport fish for commercial  
22 purposes; and

23 5. Fish businesses owned or operated by a person  
24 licensed under this section.

25 (iii) Inspections of vessels, vehicles, and businesses authorized  
26 under this paragraph shall be restricted to inspections of fishing gear and places  
27 where fish may be stored.

28 (iv) Inspections of businesses authorized under this paragraph  
29 may be conducted in any building other than a dwelling house.

30 (3) (i) An inspector may seize fishing gear or fish found during an  
31 inspection under this subsection that is used or possessed in connection with a  
32 violation of this title or a regulation adopted under this title.

1 (ii) Fishing gear seized under this paragraph shall be held by  
2 the Department pending disposition of court proceedings, and on conviction the  
3 property seized or proceeds from the seizure shall be forfeited to the State for  
4 destruction or disposition as the Department may deem appropriate.

5 (iii) The Department may dispose of fish seized under this  
6 paragraph at its discretion.

7 [(n)] (O) The Department shall assign a permanent identification number to  
8 each licensee. A licensee shall display the identification number on every vessel,  
9 vehicle, gear, or place of business, as the Department may require by regulation.

10 [(o)] (P) The Department shall:

11 (1) Deposit to the credit of the Fisheries Research and Development  
12 Fund all fees received for tidal fish licenses, **AUTHORIZATIONS**, and [apprenticeship]  
13 permits **UNDER THIS SECTION**; and

14 (2) Use the funds received from the sale of [licenses to catch] striped  
15 bass **SURCHARGES** for **STRIPED BASS MANAGEMENT AND** enforcement purposes  
16 [during the open season for catching striped bass].

17 [(p)] (Q) (1) This subsection applies only to a person who, on April 1,  
18 1997:

19 (i) Held a valid fishing guide license; and

20 (ii) Either:

21 1. Owned two or more vessels used to carry passengers  
22 for fishing;

23 2. Owned or operated a federally licensed vessel of 50  
24 tons or more that was used to carry passengers for fishing; or

25 3. Owned or operated a marina from which 10 or more  
26 vessels operate to carry passengers for fishing.

27 (2) A person who meets the requirements of paragraph (1) of this  
28 subsection may obtain an annual master fishing guide license by:

29 (i) Filing an application on a form provided by the Department;

30 (ii) Supplying with the application proofs of ownership of the  
31 required vessels; and

1 (iii) Paying the master fishing guide license fee set forth in  
2 subsection (d)(2)(ii)1 of this section.

3 (3) A person holding a master fishing guide license may:

4 (i) Employ other persons to guide fishing parties on vessels  
5 owned by the master fishing guide; and

6 (ii) Allow a person who holds a valid Coast Guard license to  
7 operate a vessel to carry passengers for fishing from the marina owned or operated by  
8 the master guide license holder authorized under paragraph (1)(ii)3 of this subsection  
9 as follows:

- 10 1. One person for 10 vessels;
- 11 2. Two persons for 11 to 20 vessels;
- 12 3. Three persons for 21 to 30 vessels;
- 13 4. Four persons for 31 to 40 vessels;
- 14 5. Five persons for 41 to 50 vessels; and
- 15 6. Six persons for 51 or more vessels.

16 (4) (i) The Department shall issue a number of copies of the master  
17 fishing guide license corresponding to the number of vessels owned or operated by the  
18 master fishing guide, with each copy bearing the registration number of one of the  
19 vessels.

20 (ii) The master fishing guide shall ensure that when a vessel is  
21 operated, the appropriate copy of the license is on board.

22 (5) If a master fishing guide employs another person to operate a  
23 vessel to carry passengers for fishing, for purposes of the license suspension criteria in  
24 subsection **[(1)] (M)** of this section, the master fishing guide shall be held responsible  
25 for any violations committed by the person employed to operate the vessel.

26 4-814.

27 (a) Except as otherwise provided in this section, a person authorized to catch  
28 crabs for commercial purposes may not set or fish more than 300 crab pots.

29 (b) For the license year ending August 31, 1994, a licensee who held a valid  
30 license to catch crabs for commercial purposes on April 1, 1994 may set and fish 300  
31 additional crab pots for each additional crew member authorized on the license, but

1 may not set more than 600 additional crab pots, regardless of the number of crew  
2 members, and may not set more than 900 pots per boat.

3 (c) (1) After August 31, 1994, an authorization granted under subsection  
4 (b) of this section to employ one or two additional crew members and thereby fish  
5 additional crab pots, shall [run with that license] **BE VALID** until the license is  
6 **TRANSFERRED**, revoked by the Department or relinquished voluntarily by the  
7 licensee.

8 (2) An authorization granted under subsection (b) of this section [shall  
9 transfer with the license] **MAY BE TRANSFERRED TO ANOTHER LICENSEE**  
10 **SEPARATELY FROM THE ORIGINAL CRAB HARVESTER LICENSE OR TIDAL FISH**  
11 **LICENSE** in any valid transfer under Subtitle 7 of this title.

12 (d) (1) The Department shall determine the total number of additional  
13 crew authorizations granted under subsection (b) of this section.

14 (2) When a license is revoked or voluntarily relinquished, the  
15 Department may award the unused crew authorization to another licensee under  
16 criteria and procedures to be promulgated as regulations by the Department, provided  
17 that the number of crew authorizations in use may not exceed the total number  
18 granted under subsection (b) of this section as of August 31, 1994.

19 SECTION 3. AND BE IT FURTHER ENACTED, That:

20 (a) The Department of Natural Resources shall review the existing laws,  
21 regulations, fees, and processes associated with commercial fishing licenses in the  
22 State.

23 (b) As part of the review the Department shall consider:

24 (1) the costs of managing and enforcing commercial fisheries;

25 (2) the structure of the commercial license and permit system and  
26 associated fees and surcharges;

27 (3) accountability of licensees; and

28 (4) setting commercial license revenue at a level that covers a fair and  
29 ~~equitable~~ reasonable portion of the management and enforcement costs of the  
30 commercial fisheries.

31 (c) In conducting the review, the Department shall collaborate with  
32 representatives of the Tidal ~~Fish~~ Fisheries Advisory Commission and the Sport  
33 Fisheries Advisory Commission.

1           (d) In conducting the review and developing the recommendations, the  
2 Department shall determine the allocation of the user fees for fisheries management of  
3 commercial or recreational fisheries based on revenues from those respective sectors.

4           (e) (1) On or before October 1, 2012, the Department shall report its  
5 findings and recommendations for changes to the commercial fish license and permit  
6 fee structure to the Governor and, subject to § 2–1246 of the State Government Article,  
7 the General Assembly.

8                   (2) The report shall identify the actions needed to implement the plan  
9 by July 1, 2013.

10           SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the  
11 Annotated Code of Maryland, in consultation with and subject to the approval of the  
12 Department of Legislative Services, shall correct, with no further action required by  
13 the General Assembly, cross–references and terminology rendered incorrect by this  
14 Act or by any other Act of the General Assembly of 2012 that affects provisions  
15 enacted by this Act. The publishers shall adequately describe any such correction in an  
16 editor’s note following the section affected.

17           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.